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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Baker et al. Docket No: 39780-2830C1P10
Serial No: 10/006,768 Group Art Unit: 1647
Filed: December 6, 2001 Examiner: Rachel B. Kapust
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF LUC DESNOYERS, Ph.D., DR. AUDREY GODDARD, Ph.D.,

DR. PAUL J. GODOWSKI, Ph.D., DR. AUSTIN GURNEY, Ph.D.,

DR. COLIN K. WATANABE and DR. WILLIAM WOOD, Ph.D.

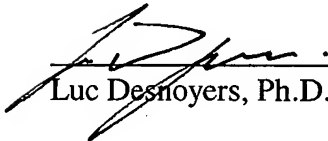
UNDER 37 CFR 1.131

We, Luc Desnoyers, Ph.D., Audrey Goddard, Ph.D., Paul J. Godowski, Ph.D., Austin Gurney, Ph.D., Colin K. Watanabe and William Wood, Ph.D. declare and say as follows:

1. We are the inventors of the above-identified application.
2. We have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by International Patent Application Publication No. WO 00/00610 (Lal *et al.*, publication date January 6, 2000).
3. We conceived and reduced to practice the invention claimed in the above-identified application in the United States prior to January 6, 2000.
4. At the time the present invention was made, one of the inventors, Luc Desnoyers, Ph.D., was, as still is, responsible for overseeing the testing of novel polypeptides, including the polypeptide designated PRO1412, in chondrocyte proliferation assay (Assay #111, Example 153). This assay is used to find agents that are capable of inducing chondrocyte proliferation and/or redifferentiation, and can, therefore, be used in the treatment of joint diseases using a tissue engineering approach or as promising drug candidates to repair aging or arthritic joints, for example, in which the chondrocytes have been dedifferentiated.

5. In this assay, isolated chondrocyte cells are seeded in 96 well plates with either serum-free medium (negative control), staurosporin (positive control) or the test PRO polypeptide. After 5 days, fluorescence dye is added to each plate and measured. The readout of the fluorescence from a plate containing the serum-free medium is measured to establish a background fluorescence level. A positive result in the assay is obtained when the fluorescence of the PRO polypeptide-treated sample is more like that of the positive control than the negative control. This type of fluorescence determination, wherein the readout is compared to positive and negative controls, is well known in the art.
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7. Copies of pages from laboratory notebook showing the positive results for the PRO1412 polypeptide (SEQ ID NO:140), identified by Pin number PIN753-1, in Assay #111 are attached to this declaration (with dates redacted) as Exhibit B. These experiments were performed and the results were obtained prior to January 6, 2000.
8. Exhibits A and B clearly show that the polypeptide designated PRO1412 was tested, and its ability to induce the proliferation and/or redifferentiation was determined prior to January 6, 2000.

9. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.



Luc Desnoyers, Ph.D.

08/19/2004

Date

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Date

Paul J. Godowski, Ph.D.

Date

Austin Gurney, Ph.D.

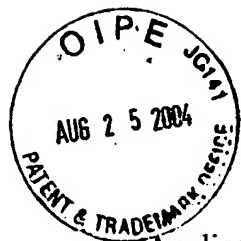
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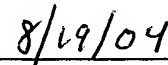
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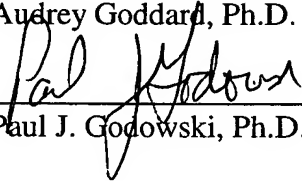
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Colin K. Watanabe, Ph.D.

Aug 24, 2004

Date

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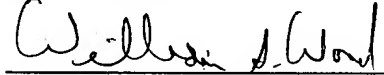
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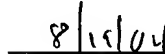
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Find Tools

Find Tools

Find Tools

AI PIN

AI DNA

SHOW LIST OF

UNQ

Number

730

☐ Include UNQ Related Lots

Clear

Remove

Remove All

All Positives

☐ Verified Positives

☐ Pending

Date Complete From

To

UNQ Search

UNQ Search

UNQ Search

Page 1 of 1

Page 1 of 1

Page 1 of 1

ASSAY RESULT LIST

ASSAY Name

PUR/EXP/DNA

LOT

TO Name

PBS

Verified

Conc

Cone Unit

Mean ch1

UNQ

Protein Name

Date Dist

Date Complete

Get time

Chon Prolif

PUR952

LOT1927

PIN753-1

307.00

nM

1.49

UNQ730

Human GVPT730 Poly-H

ASY1 DNA

EXP

FAM

FLS

HS

LOT

MAP

OLI

PEB

PRO

PUR

RNA

SRC

UNQ

XPI

YST

Assay Viewer

Sequence Viewer

Gene Viewer

Genes Viewer

SAGE

Genes

Genes

Genes

Heart Neonatal Hypertrophy

Heart Adult Hypertrophy

Adipocyte Lipolysis

Adipocyte Lipogenesis

Hematopoiesis: stem cell proliferation

Hippocampal Neuron Survival

Retinal Neuron Survival (5-6 days cultur

Endothelial cell proliferation

Inhibition of VEGF stimulated endothella

Eosinophil degranulation [induction of]

B cell IgE synthesis inhibition

UNQ Search

UNQ Search

UNQ Search

Page 1 of 1

Page 1 of 1

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ASSAY RESULT LIST

ASSAY Name

PUR/EXP/DNA

LOT

TO Name

PBS

Verified

Conc

Cone Unit

Mean ch1

UNQ

Protein Name

Date Dist

Date Complete

Get time

Chon Prolif

PUR952

LOT1927

PIN753-1

307.00

nM

1.49

UNQ730

Human GVPT730 Poly-H

Project No. _____
 Book No. 33757 TITLE _____

Primary Assay Result
 Assay ID ASY111
 Assay Name Chondrocytes Proliferation Assay
 Assay Date _____
 Notebook Num _____

Notebook Num		XXXXX-XX											
	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%	1%
	1	2	3	4	5	6	7	8	9	10	11	12	
A	Stauronorm	Stauronorm	Stauronorm	PIN717-1	PIN721-1	PIN725-1	PIN730-1	PIN734-1	PIN738-1	PIN742-1	PIN746-1	PIN750-1	
B	Media	Media	Media	PIN715-1	PIN722-1	PIN727-1	PIN731-1	PIN735-1	PIN739-1	PIN743-1	PIN747-1	PIN751-1	
C	PIN708-1	PIN711-1	PIN714-1	PIN719-1	PIN724-1	PIN728-1	PIN732-1	PIN736-1	PIN740-1	PIN744-1	PIN748-1	PIN752-1	
D	PIN709-1	PIN712-1	PIN715-1	PIN719-1	PIN724-1	PIN728-1	PIN732-1	PIN736-1	PIN740-1	PIN744-1	PIN748-1	PIN752-1	
E	PIN710-1	PIN713-1	PIN715-1	PIN720-1	PIN725-1	PIN729-1	PIN733-1	PIN737-1	PIN741-1	PIN745-1	PIN749-1	PIN753-1	
F													
G													
H													

Fluorescence

Plate #1: Reading after 3 hours

PASTE YOUR RAW DATA BELOW

	1	2	3	4	5	6	7	8	9	10	11	12
A	88.1	87.1	95.4	100.4	173.2	186.5	186.8	103.1	74.4	68.0	155.6	82.1
B	51.1	153.7	54.4	144.4	28.5	103.8	115.8	75.4	89.7	104.1	78.3	119.8
C	65.4	91.8	89.5	88.1	68.5	64.9	64.4	56.6	67.6	56.6	63.7	107.2
D	64.6	107.4	75.8	72.8	54.7	37.2	60.3	56.4	70.9	75.3	78.4	119.8
E	102.9	73.3	80.7	121.8	84.7	83.8	78.7	68.8	89.6	81.4	84.8	189.3
F	88.9	192.3	58.0	71.4	55.9	51.1	59.7	47.5	74.3	72.1	32.3	175.3
G	116.0	125.9	159.3	105.5	77.3	57.6	64.6	73.5	77.2	84.9	162.3	183.7
H	144.3	102.0	192.0	193.6	181.4	124.0	126.4	125.7	95.4	137.9	172.1	139.5

Control	Fluorescence
Stauronorm	84.5
Media	106.4

Conc			1.00%				
PIN #	N1	N2	AVERAGE	STDEV	Positive	Verified	Comments
PIN708-1	0.788	0.780	0.784	0.0			
PIN709-1	0.949	0.845	0.797	0.2			
PIN710-1	1.070	1.331	1.201	0.2			
PIN711-1	0.847	0.945	0.896	0.1			
PIN712-1	0.578	0.944	0.811	0.2			
PIN713-1	1.162	0.941	1.052	0.2			
PIN714-1	0.828	0.897	0.782	0.1			
PIN715-1	0.535	0.744	0.840	0.1			
PIN716-1	1.469	1.771	1.620	0.2	Positive		
PIN717-1	0.928	1.333	1.129	0.3			
PIN718-1	0.822	0.653	0.738	0.1			
PIN719-1	0.859	1.216	0.938	0.4			
PIN720-1	0.973	1.786	1.380	0.8	Positive		
PIN721-1	1.396	0.910	1.254	0.3			
PIN722-1	0.632	0.597	0.814	0.0			
PIN724-1	0.515	0.781	0.848	0.2			
PIN725-1	0.715	1.489	1.102	0.3			
PIN726-1	1.537	0.956	1.246	0.4			
PIN727-1	0.599	0.343	0.471	0.2			
PIN728-1	0.471	0.774	0.623	0.2			
PIN729-1	0.532	1.144	0.838	0.4			
PIN730-1	1.538	1.096	1.317	0.3	Positive		
PIN731-1	0.557	0.556	0.557	0.0			
PIN732-1	0.551	0.722	0.636	0.1			
PIN733-1	0.595	1.184	0.890	0.4			
PIN734-1	0.851	0.897	0.824	0.2			
PIN735-1	0.522	0.520	0.521	0.0			
PIN736-1	0.438	0.817	0.527	0.1			
PIN737-1	0.676	1.159	0.919	0.3			
PIN738-1	0.696	0.824	0.755	0.1			
PIN739-1	0.824	0.854	0.639	0.0			
PIN740-1	0.686	0.635	0.660	0.0			
PIN741-1	0.712	0.880	0.796	0.1			
PIN742-1	0.812	0.961	0.886	0.1			
PIN743-1	0.541	0.595	0.818	0.1			
PIN744-1	0.685	0.751	0.708	0.1			
PIN745-1	0.599	1.272	0.935	0.3			
PIN746-1	1.436	0.724	1.020	0.3			
PIN747-1	0.588	0.733	0.661	0.1			
PIN748-1	0.464	0.761	0.633	0.2			
PIN749-1	1.684	1.569	1.636	0.1	Positive		
PIN750-1	0.757	1.105	0.931	0.2			
PIN751-1	0.989	1.104	1.048	0.1			
PIN752-1	1.818	1.865	1.842	0.0	Positive		
PIN753-1	1.895	1.297	1.491	0.3	Positive		

Witnessed & Understood by me, _____

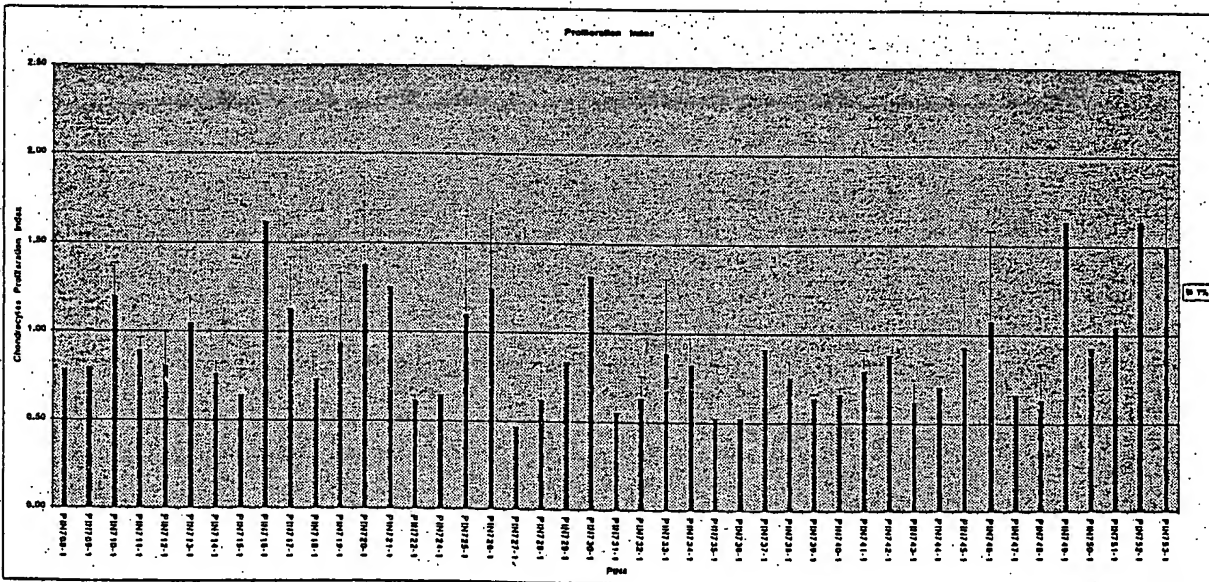
Date _____

Invented by _____

Date _____

GRAPH

PIN#	Average	STDEV
PIN708-1	0.78	0.0
PIN709-1	0.80	0.2
PIN710-1	1.20	0.2
PIN711-1	0.90	0.1
PIN712-1	0.81	0.2
PIN713-1	1.05	0.2
PIN714-1	0.76	0.1
PIN715-1	0.64	0.1
PIN716-1	1.62	0.2
PIN717-1	1.13	0.3
PIN718-1	0.74	0.1
PIN719-1	0.94	0.4
PIN720-1	1.38	0.6
PIN721-1	1.25	0.5
PIN722-1	0.61	0.0
PIN724-1	0.65	0.2
PIN725-1	1.10	0.5
PIN726-1	1.25	0.4
PIN727-1	0.47	0.2
PIN728-1	0.62	0.2
PIN729-1	0.84	0.4
PIN730-1	1.32	0.3
PIN731-1	0.56	0.0
PIN732-1	0.64	0.1
PIN733-1	0.69	0.4
PIN734-1	0.82	0.2
PIN735-1	0.52	0.0
PIN736-1	0.53	0.1
PIN737-1	0.92	0.3
PIN738-1	0.78	0.1
PIN739-1	0.64	0.0
PIN740-1	0.66	0.0
PIN741-1	0.60	0.1
PIN742-1	0.89	0.1
PIN743-1	0.62	0.1
PIN744-1	0.71	0.1
PIN745-1	0.94	0.5
PIN746-1	1.08	0.5
PIN747-1	0.66	0.1
PIN748-1	0.63	0.2
PIN749-1	1.64	0.1
PIN750-1	0.93	0.2
PIN751-1	1.03	0.1
PIN752-1	1.64	0.0
PIN753-1	1.49	0.3



ssed & Understood by me,

Date

Invented by

Date

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